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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 KAREN J. WILSON,

11 Plaintiff,

12 v.

13 JESSE R. CRUZ, *et al.*,

14 Defendants.
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Case No. 2:12-cv-00051-LDG (VCF)

ORDER

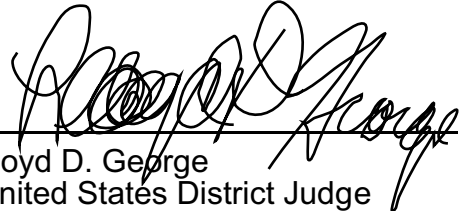
16 Plaintiff Karen Wilson moves to consolidate (#163) this matter with *Jesse Cruz, et al.*
17 *v. Danny Durbin, et al.*, 2:11-cv-00342-APG (VCF). Defendant Jesse Cruz opposes
18 (#183), arguing that Wilson has filed her motion to consolidate only in the present matter,
19 and not in either of the other two cases arising from the same traffic accident. He further
20 notes that Wilson has not filed her motion in the first filed (and thus oldest) of the cases. In
21 reply, Wilson argues that neither the Federal Rule of Civil Procedure 42 nor the Local
22 Rules require filing in one potentially-consolidated case instead of another.

23 Wilson is correct that Rule 42 does not have a specific provision explaining the
24 necessity that a motion to consolidate be filed in every action. Rule 42 is also clear that
25 consolidation is discretionary. Contrary to Wilson's argument, however, Local Rule 7.2-1
26 requires that counsel file a notice of related cases in each potentially related case. Further,

1 as indicated in 7.2-1(d), the assigned judges will make a determination regarding the
2 consolidation of the actions. In making such a determination, each judge having one of the
3 related cases must determine that, in the exercise of his or her discretion, assignment of
4 that action and the related actions to a single judge would be appropriate. None of the
5 judges assigned to the related actions can unilaterally make the determination that
6 consolidation is appropriate. As Wilson has not filed a notice of related actions in *Cruz v.*
7 *Durbin*, and has not explained to the judge presiding in that matter why assignment to a
8 single judge is appropriate, the undersigned need not consider the merits of her motion to
9 consolidate filed only in this action. Therefore,

10 THE COURT **ORDERS** that Karen Wilson's Motion to Consolidate (#163) is
11 DENIED.

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13 DATED this 4 day of November, 2013.

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16 Lloyd D. George
17 United States District Judge
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